

METROPOLITAN DEVELOPMENT COMMISSION  
Docket No. 97-AO-2

THE DWELLING DISTRICTS ZONING ORDINANCE  
OF  
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Revised Code Of The Consolidated City and County, Chapter 731 (The Dwelling Districts Zoning Ordinance of Marion County, Indiana), as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Revised Code of the Consolidated City and County, Chapter 731, (adopted under Metropolitan Development Commission docket Numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, 95-AO-1, 95-AO-8 and 96-AO-4), as amended, be amended as follows:

A. That Section 2.07, B, 2, a. be amended by deleting the stricken language as follows:

2. *Minimum lot width and street frontage.*

a. Minimum lot width at the required setback line:

- Single-family Dwelling : 50 feet
- Two-family Dwelling: 90 feet ~~(on each street)~~ (corner lots shall have a minimum lot width at the required setback line of 90 feet on each street)

B. That Section 2.08, B, 2, a. be amended by deleting the stricken language as follows:

2. *Minimum lot width and street frontage.*

a. Minimum lot width at the required setback line:

- Single-family Dwelling : 40 feet
- Two-family Dwelling: 80 feet ~~(on each street)~~ (corner lots shall have a minimum lot width at the required setback line of 80 feet on each street)

C. That Section 2.18 be amended by deleting the stricken language and inserting the underscored language as follows:

SECTION 2.18 Temporary uses.

A. *Permitted temporary uses.* The following Temporary Uses shall be permitted in all Dwelling Districts, ~~under a Temporary Improvement Location Permit issued by the Administrator~~ subject to the Temporary Use Requirements of Section 2.18, B.

1. Temporary office; 2. model home; or 3. equipment storage, each incidental and necessary for the sale, rental, lease of, or construction of, real property or premises in the zoning district and located on the same lot or project.

B. *Temporary use requirements.* Temporary Uses shall be subject to the following requirements in addition to all other regulations of the applicable Dwelling District.

1. For temporary offices or model homes only; adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.
2. No public address systems or other noise producing devices shall be permitted.
3. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
4. The lot shall be put in clean condition and devoid of temporary use remnants upon termination of the temporary period.
5. No temporary Improvement Location Permit shall be issued for ~~Temporary Use~~ a model home until a site, ~~development and~~ or landscape plan, if required, has been approved by the Administrator. An Improvement Location Permit is not required for temporary offices or equipment storage, per the Improvement Location Permit Ordinance, 68-AO-11, as amended (Code of Indianapolis and Marion County, Appendix D, Part 17).
6. A Temporary Improvement Location Permit for a ~~Temporary Use~~ model home shall be valid for a maximum of 18 months. An extension of time, not to exceed 180 days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the Temporary Improvement Location Permit.
7. No later than 30 days after the termination date of the Temporary Improvement Location Permit, the site must be returned to as nearly as reasonably possible to its original condition prior to the issuance of the Temporary Improvement Location Permit, or a permanent Improvement Location Permit shall be obtained for any improvements which are to remain.

D. That Section 2.19, B, 3, be amended by deleting the stricken language and inserting the underscored language as follows:

- b. The pool or tub area shall be enclosed by either: 1. a fence or other structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate; or, 2. a safety pool cover, as defined by, and meeting the specifications of, IAC 20-4-27(c).

If a structural barrier is utilized, Such structural barrier shall be a chain-link, ornamental or solid fence or wall, and:

- (1) if erected on grade, the fence shall be not less than five (5) feet in height: or,
- (2) if erected on the deck of an above ground pool or hot tub, the fence or structural barrier on the ~~deck~~ shall be not less than thirty-six (36) inches in height.

E. That Section 2.19, B, 8, be amended by deleting the stricken language and inserting the underscored language as follows:

8. *Additional requirements for ~~satellite dish~~ antennas.*

a. Statement of Purpose: The regulations of this subsection are intended to allow antennas to be located in all Dwelling Districts in a manner that:

- (1) does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
- (2) does not unreasonably increase the cost of installation, maintenance or use; or,
- (3) preclude reception of an acceptable quality signal.

b. Objectives: The regulations of this subsection are intended to accomplish the following objectives:

- (1) Health and safety - The regulations protect the public and safety to the degree that the improper installation of antennas can endanger the lives and property of persons on the property or surrounding property if they collapse or are felled by high winds or ice.
- (2) General Welfare/Aesthetic - The regulations limit visual blight by sensitive placement of antennas, as the injudicious location of such antennas, including guy wires, poles, masts, cables and other appurtenant devices can create visual blight offensive to those who reside, work and travel in the city and contrary to the City's Comprehensive Plan.

Further, these regulations are intended to meet these objectives without unnecessarily burdening the Federal interests in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.

c. Requirements: ~~The following additional requirements of this subsection shall apply to any satellite dish antennas which is greater than one meter/39.37 inches in diameter or diagonal measurement.:~~

a. ~~In any Dwelling District, satellite dish antennas up to 12 feet in diameter shall be permitted to be installed subject to the following criteria:~~

- ~~(1) All installations shall be neutral in color.~~
- ~~(2) All installations shall be performed by an "antenna installer" licensed by the Indiana State board of Television and Radio Service Examiners.~~

b. ~~In any Dwelling District, ground-mounted satellite dish antennas shall be permitted to be installed subject to the following criteria:~~

- ~~(1) All installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.~~

- ~~(2) The maximum height for a ground-mounted satellite dish antenna shall not exceed the maximum height of an accessory structure permitted by that district (see Section 2.19, B. 1).~~

- ~~(3) e. In any Dwelling District, roof-mounted satellite dish antennas may be permitted subject to the following criteria: (1) Demonstration by the applicant that compliance with Section 2.19, B. 8, b(1) and (2) C. a. and b. of this ordinance would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.~~

- ~~(4) (2) The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.~~

(5) ~~(3)~~ All applications for ~~Improvement Location~~ Structural Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.

(6) ~~(4)~~ All roof-mounted installations shall be contained within the areas of the roof.

d. Limitation on Enforcement. No requirement contained in this subsection, Section 2.19, B, 8, shall be enforced to the extent it:

(1) unreasonably delays or prevents installation, maintenance or use of an antenna; or,

(2) unreasonably increases the cost of installation, maintenance, or use of an antenna; or,

(3) precludes reception of an acceptable quality signal by an antenna.

F. That Section 2.20, B, 12, be amended by deleting the stricken language and inserting the underscored language as follows:

12. No Display of goods or external evidence of the home occupation shall be permitted other than an identification window or wall sign as permitted by the Sign Regulations of Marion County, Indiana, Ordinance 71-AO-4, ~~Section 14.04.4 (2)~~ as amended (Section 3.20, On-Premise Signs: Dwelling Districts).

G. That Section 2.25, B be amended by deleting the stricken language and inserting the underscored language as follows:

~~155. Satellite dish antenna A device incorporating a reflective surface that is — solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.~~

9. Antenna. A device that is designed to receive:

a. direct broadcast satellite service, including direct-to-home satellite services; or,

b. video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or,

c. television broadcast signals.

H. That Section 2.25, B be amended by inserting the following two new definitions, noted by the underscored language, as follows:

Fence. A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.

Structural barrier. A physical structure, such as a fence, wall, or railing, that forms a boundary of, or enclosure to, a property or acts as a division between, properties.

I. That Section 2.25, B be amended by renumbering all definitions in the Section, beginning with number 9, utilizing the numeral 10 as the first numeral in the renumbered sequence. This renumbering will include the two new definitions noted in H. of this ordinance.

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